

bump on the way to Stockbridge, Williamstown and the glories of Tanglewood and Jacob's Pillow.

But the city is betting that, with the help of a long-neglected jewel of a theater, it too can make a place for itself on the region's arts map. After a two-year, \$22 million restoration, the century-old Colonial Theater will reopen tonight for a year-round season that kicks off with a week's visit by a touring company of "Rent." After that, there are more than 40 other events scheduled for the rest of the year.

For years, few outsiders were aware of what lay behind the neo-Classical yellow-brick facade on the Route 7 commercial strip. But inside was a grand Broadway-style theater, a Gilded Age monument designed by J.B. McElfatrick, who designed dozens of New York theaters, including the Theater Republic (now the New Victory) on 42nd Street.

From its opening in 1903 to the early 30s, the house, which seated about 1,400, was a regular stop for the likes of Sarah Bernhardt, the Barrymores, Rachmaninoff, Will Rogers and John Philip Sousa. Anna Pavlova danced by, as did the Ziegfeld Follies (100 strong).

In 1937, the Colonial was converted into a movie palace, but by 1952 it had gone dark. It was saved from demolition only because a local businessman, George Miller, bought it and housed his paint business inside.

The idea of transforming the city into a cultural center received a boost in 1998, when Hillary Rodham Clinton, then the first lady, visited the Colonial as part of a "Save America's Treasures" tour.

"Her visit said, 'You have a national treasure—it's worth fighting for,'" said John Bissell, a senior vice president at the Greylock Federal Credit Union and a prominent figure in the move to revitalize Pittsfield.

In 2002, the city commissioned a study on the potential economic benefits of restoring the theater. The study, led by Stephen Sheppard, an economics professor at Williams College, forecast \$2 million a year in direct economic benefits to Pittsfield and an increase in local property values of at least \$23 million.

That study "quantified what we felt instinctively, that the theater would indeed make economic sense," said James M. Ruberto, Pittsfield's mayor and a major force behind the renovation.

After Mrs. Clinton's visit and the study, of course, came the fund-raising. Ultimately, some \$7 million came from donations, the rest from city, state and federal grants and tax credits.

"I have been amazed at the amount of money given to the Colonial," said Gary Scarafoni, a retired banker who is now the theater's president.

The theater itself was a shambles, said Tom Johnson of Martinez & Johnson, the Washington architects responsible for the restoration. In the half-darkness of the balcony, "you could see the plaster detailing," big pieces of which were starting to fall.

Now, the curves and curlicues of the interior ornamentation—which Mr. Johnson describes as eclectic neo-Classical—have been restored to their original glory.

But the renovation remains a gamble. David W. Fleming, recently hired as the theater's executive director, said that the Colonial would have an annual overhead of at least \$750,000 and expected artists' fees, marketing and stagehand costs collectively to fall in the same range.

That means, said Mr. Fleming, who previously ran the Grand Opera House in Wilmington, Del., and the New Brunswick Cultural Center in New Jersey, that the theater will need to fill about 60 percent of its seats

if it is to pay half its annual expenses from ticket sales.

"Ideally," he said, "I'd like to see us cover more like 65 percent"—with the rest coming from annual donations.

He said he hoped that within a few years, the theater, now reconfigured to seat 810, would be active 200 nights a year, with events that appeal to all tastes and budgets. This season's offerings include low-priced fare like Cirkus Inferno and the Inflatable Theater Company.

The theater will have to rely in part on out-of-town audiences. The city's population, roughly 57,000 in 1960, fell steadily after General Electric, which once employed more than 10,000 workers here, gradually shut down most of its operations, paring the workforce to less than 1,000. The population is now 43,000 and is projected to fall considerably further in the next two decades.

The city is betting that, if it can transform itself into an arts center, it can reverse that slide. It took a first step in that direction when the highly regarded Barrington Stage Company moved into a renovated 1912 music hall in downtown Pittsfield this month after working for years out of a high school auditorium in Sheffield, in the southwest corner of the state. The company plans spring, summer and fall productions.

Mr. Bissell of the credit union argues that people will come, not only to visit but also to live. He cites the rise of the local real estate market since the Colonial restoration project was announced.

"When new businesses come to town," he added, "every single one cites the rebirth of the Colonial as a primary reason why they chose this location."

Such optimism is not universal. Jonathan Levine, publisher of The Pittsfield Gazette, said that while he was "thrilled to have a renovated theater," he questioned the business projections behind it.

"They've made all these economic development promises," Mr. Levine said, "and there is no way, with their current programming, they can achieve those goals."

But the Colonial can boast of something that half of every Broadway audience can only dream about. The theater bought an abutting property that will house, in addition to the main entrance, a gigantic ladies' room.●

IN MEMORY OF MATTHEW S. COSTA

● Mr. LIEBERMAN. Mr. President, I rise today in memory of Matthew S. Costa, an outstanding young man from Cheshire, CT who died tragically on September 3. I am very saddened to hear of Matthew's death and will be keeping his friends and family in my thoughts and prayers during this difficult time.

At the time of his death Matthew was serving in Mali as a volunteer for the U.S. Peace Corps. Matthew enrolled in the Peace Corps in 2003 and had been serving in the Malian village of Kati since November 2005, after teaching English in Chad for 2 years.

While in Kati, Matthew helped foster one of the Peace Corps core missions, fostering cultural exchange, by fully immersing himself in the local community. He taught English to local high school students and organized training for other teachers in the community. He was also widely known in the community as the host of a popular radio

program that played popular American music and then worked with the radio station to improve its marketing strategy. Matthew also sought to involve himself with the village community by playing in a local soccer league and helping to distribute donations of sports equipment.

What I think was truly remarkable about Matthew is that after graduating from Tulane University in 2003, a time in which there must have been unlimited opportunities open for Matthew to pursue, he chose to delay any future career plans to help others and broaden his cultural understanding. Matthew volunteered to travel many miles from home and, if necessary, to give up many of the modern conveniences we often take for granted. Matthew liked it so much, that in 2005 he extended his service. Matthew's sacrifice and dedication is truly inspiring.

The passing of Matthew Costa is truly a loss for the Peace Corps, for the people of Mali, and for Connecticut. May his selfless devotion to helping others live on in the hearts and minds of those who knew him best and were served by his good works.●

MESSAGE FROM THE PRESIDENT

A message from the President of the United States was communicated to the Senate by Mr. Williams, one of his secretaries.

EXECUTIVE MESSAGE REFERRED

As in executive session the Presiding Officer laid before the Senate a message from the President of the United States submitting a nomination which was referred to the Committee on Finance.

(The nomination received today is printed at the end of the Senate proceedings.)

DRAFT OF PROPOSED LEGISLATION ENTITLED "MILITARY COMMISSIONS ACT OF 2006"—PM 55

The PRESIDING OFFICER laid before the Senate the following message from the President of the United States, together with an accompanying report; which was referred to the Committee on Armed Services:

To the Congress of the United States:

I transmit for the consideration of the Congress draft legislation entitled the "Military Commissions Act of 2006." This draft legislation responds to the Supreme Court of the United States decision in *Hamdan v. Rumsfeld*, 126 S. Ct. 2749 (2006), by establishing for the first time in our Nation's history a comprehensive statutory structure for military commissions that would allow for the fair and effective prosecution of captured members of al Qaeda and other unlawful enemy combatants. The Act also addresses the Supreme Court's holding that Common Article 3 of the Geneva

Conventions applies to the conflict with al Qaeda by providing definitions rooted in United States law for the standards of conduct prescribed by Common Article 3.

The military commission procedures contained in this draft legislation reflect the result of an extended deliberation both within the executive branch and between representatives of my Administration and Members of Congress. The draft legislation would establish a Code of Military Commissions that tracks the courts-martial procedures of the Uniform Code of Military Justice, but that departs from those procedures where they would be impracticable or inappropriate for the trial of unlawful enemy combatants captured in the midst of an ongoing armed conflict, under circumstances far different from those typically encountered by military prosecutors.

Five years after the mass murders of 9/11, it is time for the United States to begin to prosecute captured al Qaeda members for the serious crimes that many of them have committed against United States citizens and our allies abroad. As we provide terrorists the justice and due process that they denied their victims, we demonstrate that our Nation remains committed to the rule of law.

I ask that the Congress carefully consider this legislation and respectfully urge its speedy passage for enactment into law.

GEORGE W. BUSH.

THE WHITE HOUSE, September 6, 2006.

MEASURES READ THE FIRST TIME

The following bill was read the first time:

S. 3861. A bill to facilitate bringing to justice terrorists and other unlawful enemy combatants through full and fair trials by military commissions, and for other purposes.

EXECUTIVE AND OTHER COMMUNICATIONS

The following communications were laid before the Senate, together with accompanying papers, reports, and documents, and were referred as indicated:

EC-8057. A communication from the Attorney, Office of Assistant General Counsel for Legislation and Regulatory Law, Department of Energy, transmitting, pursuant to law, the report of a rule entitled "Supplemental Standards of Ethical Conduct for Employees of the Department of Energy and Residual Department Standards Regulation" ((RIN1990-AA19)(RIN3209-AA15)) received on August 18, 2006; to the Committee on Energy and Natural Resources.

EC-8058. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to plutonium storage at the Department of Energy's Savannah River Site; to the Committee on Energy and Natural Resources.

EC-8059. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "State Abandoned Mine Land Reclamation Plan"

(MS-016-FOR) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8060. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Topsoil Redistribution and Revegetation Success Standards" (RIN1029-AC02) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8061. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Wyoming Regulatory Program" (WY-034-FOR) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8062. A communication from the Acting Director, Office of Surface Mining, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "West Virginia Regulatory Program" (WV-109-FOR) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8063. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Special Rule for the Southwest Alaska Distinct Population Segment of the Northern Sea Otter" (RIN1018-AU21) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8064. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Reclassification of the Gila Trout (*Oncorhynchus gilae*) From Endangered to Threatened; Special Rule for Gila Trout in New Mexico and Arizona" (RIN1018-AH57) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8065. A communication from the Assistant Secretary for Fish and Wildlife and Parks, Fish and Wildlife Services, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Endangered and Threatened Wildlife and Plants; Establishment of a Nonessential Experimental Population of Northern Aplomado Falcons in New Mexico and Arizona" (RIN1018-AI80) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8066. A communication from the Acting Assistant Secretary for Fish and Wildlife and Parks, Department of the Interior, transmitting a draft of a bill entitled "Buffalo Soldiers in the National Parks Study Act"; to the Committee on Energy and Natural Resources.

EC-8067. A communication from the Secretary of Energy, transmitting, pursuant to law, a report relative to the status of Exxon and Stripper Well oil overcharge funds as of September 30, 2005; to the Committee on Energy and Natural Resources.

EC-8068. A communication from the Secretary of the Interior, transmitting, pursuant to law, the report of a rule entitled "Subsistence Management Regulations for Public Lands in Alaska, Subpart A; Makhnati Island Area" (RIN1018-AU70) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8069. A communication from the Chief, Policy and Directives Management Division, Fish and Wildlife Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Revision of Federal Migratory Bird Hunting and Conservation

Stamp (Duck Stamp) Contest Regulations" (RIN1018-AU56) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8070. A communication from the Assistant Secretary for Land and Minerals Management, Minerals Management Service, Department of the Interior, transmitting, pursuant to law, the report of a rule entitled "Service of Official Correspondence" (RIN1010-AD22) received on September 5, 2006; to the Committee on Energy and Natural Resources.

EC-8071. A communication from the Chairman, Nuclear Regulatory Commission, transmitting, pursuant to law, the Commission's quarterly report on the status of its licensing and regulatory duties; to the Committee on Energy and Natural Resources.

EC-8072. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy in the position of Under Secretary for Health, received on August 24, 2006; to the Committee on Veterans' Affairs.

EC-8073. A communication from the Assistant to the Secretary for Regulations Policy and Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Veterans Benefits Act of 2003 and Veterans Benefits Improvement Act of 2004" (RIN2900-AM27) received on September 5, 2006; to the Committee on Veterans' Affairs.

EC-8074. A communication from the Chief of Regulations Management, Veterans Benefits Administration, Department of Veterans Affairs, transmitting, pursuant to law, the report of a rule entitled "Definition of Psychosis for Certain VA Purposes" (RIN2900-AK21) received on September 5, 2006; to the Committee on Veterans' Affairs.

EC-8075. A communication from the Special Assistant to the Secretary, White House Liaison, Department of Veterans Affairs, transmitting, pursuant to law, the report of a vacancy in the position of Assistant Secretary for Policy and Planning, received on September 5, 2006; to the Committee on Veterans' Affairs.

EC-8076. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality Implementation Plans; Michigan; Revised Format of 40 CFR Part 52 for Materials Being Incorporated by Reference" (FRL 8214-1) received on September 6, 2006; to the Committee on Environment and Public Works.

EC-8077. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Reportable Quantity Adjustment for Isophorone Diisocyanate" ((RIN2050-A632)(FRL 8217-4)) received on September 6, 2006; to the Committee on Environment and Public Works.

EC-8078. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "TSCA Inventory Update Reporting Rule; Electronic Reporting" (FRL 7752-8) received on September 6, 2006; to the Committee on Environment and Public Works.

EC-8079. A communication from the Principal Deputy Associate Administrator, Office of Policy, Economics, and Innovation, Environmental Protection Agency, transmitting, pursuant to law, the report of a rule entitled "Approval and Promulgation of Air Quality